

REMARKS

In an Office Action mailed on February 10, 2003, claims 12 and 18 were rejected under 35 U.S.C. § 112, second paragraph; claims 7-9, 13-15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamura in view of Sharma and Dabral; an objection was made to claim 12; and claims 20-27 were allowed. Claim 18 has been cancelled; and claim 12 has been amended to include the limitations of previously cancelled claim 11 for purposes of overcoming the § 112 rejections. The § 103(a) rejections are addressed below.

Rejections of Claims 7-9:

The data receiver of claim 7 includes a first circuit to generate at least one pulse train signal. The duty cycle of this pulse train signal indicates a degree of skew between a data bit signal and a strobe signal.

None of the references cited by the Examiner teaches or suggests the first circuit of independent claim 7. In this manner, as noted by the Examiner, Tamura is silent regarding the specific output of the phase comparator 5301. Sharma is relied on by the Examiner for the mere teaching that a phase detector may "produce an output signal proportional in magnitude or duty cycle to the phase difference between their two input signals." Sharma, 6:25-27.

Dabral teaches delay elements to delay a clock signal. However, these delay elements are controlled by a signal (called V_{CNTRL}) that is not a signal that has a duty cycle proportional to a phase difference, but rather, the V_{CNTRL} signal is a voltage level. Dabral, 3:51-52. *See also*, Fig. 7 that illustrates different waveforms for the V_{CNTRL} signal.

Thus, none of the references teaches or suggests the first circuit of claim 7. In fact, Dabral teaches away from the claimed invention, in that Dabral teaches using a *voltage level* from a phase detector for purposes of controlling the delay in a signal, not using a *duty cycle* of the signal from a phase detector.

Thus, for at least the reason that none of the references teaches or suggests the first circuit of claim 7, a *prima facie* case of obviousness has not been established for claim 7.

A *prima facie* case of obviousness has not been established for claim 7 for the additional, independent reason that the Examiner fails to provide support for the alleged suggestion or motivation to combine any of the references together. In this manner, the Examiner must cite specific language from prior art references to show support for the alleged suggestion or motivation. *Ex parte Gambogi*, 62 USPQ2d 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2143. Because the Examiner merely concludes such a suggestion or motivation exists without providing any support for this conclusion, a *prima facie* case of obviousness has not been established for this additional reason. To the extent the Examiner is taking Official Notice of the alleged suggestion or motivation, Applicant hereby challenges the Official Notice and requests a reference to support the Examiner's position. M.P.E.P. § 2144.03.

Claims 8 and 9 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 13-15 and 19:

The method of claim 13 recites regulating a timing relationship between a data bit and a second strobe signal based on the degree of skew that is indicated by a duty cycle. As set forth above, none of the cited references teaches or suggests such regulation. Furthermore, the Examiner has not provided support for the alleged suggestion or motivation to combine any of the references. Thus, a *prima facie* case of obviousness has not been set forth for claim 13.

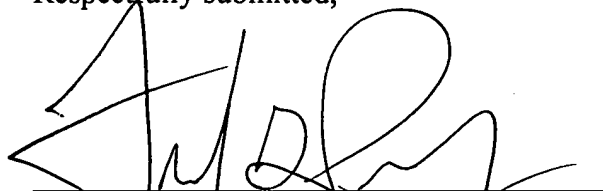
Claims 14, 15 and 19 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, withdrawal of the § 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0294US).

Respectfully submitted,

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